

Message Text

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PAGE 01 USUN N 03877 100037Z

17

ACTION L-02

INFO OCT-01 IO-03 ISO-00 AF-04 ARA-10 EA-07 EUR-10 NEA-06

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 6169

C O N F I D E N T I A L USUN 3877

E.O. 11652: GDS

TAGS: UN, PFOR

SUBJECT: LEGAL COMITE - DEFINITION OF AGGRESSION

1. COMITE COMMENCED DISCUSSION SUBJECT ITEM 10/8.
SPECIAL COMMITTEE RAPPOREUR SAUNDERS (GUAYANA)
INTRODUCED REPORT IN SHORT, SUCCINCT STATEMENT WHICH
EMPHASIZED THOROUGHNESS OF WORK BY SUBJECT COMITE AND
ESPECIALLY THE FACT THAT ALL VIEWS WERE FULLY CONSIDERED;
THAT EVERYONE GAVE GROUND IN SEARCH FOR COMPROMISE;
THAT RESULT IS FRAGILE CONSENSUS WHICH SHOULD BE VIEWED
AS INTERRELATED WHOLE.

2. SPECIAL COMMITTEE PRESIDENT BROMS (FINLAND) GAVE
LONG RAMBLING STATEMENT WHICH EMPHASIZED DRAFT IS
CAREFULLY BALANCED COMPROMISE TO BE VIEWED AS INTER-
RELATED WHOLE; THAT TEXT DEALS WITH USE OF FORCE BY
A STATE AGAINST A STATE; AND THAT ECONOMIC AGGRESSION
WAS OUTSIDE THE SCOPE OF COMMITTEE WORK. COMITE VI
CHAIRMAN SAHOVIC EXPRESSED CONGRATULATIONS TO THE
SPECIAL COMITE FOR THE FRUITFUL EXERCISE OF ITS
EXHAUSTIVE WORK.

3. WE HAVE LEARNED FROM SAHOVIC AND OTHERS THAT
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PAGE 02 USUN N 03877 100037Z

ECUADOR AND PERU ARE HARD AT WORK TO FIND SOME WAY OF

DELETING ARTICLE 3(D) LANGUAGE ON "MARINE AND AIR FLEETS" OR ADDING SOME SORT OF SAVINGS CLAUSE LANGUAGE WHICH WOULD SAFEGUARD ACTIONS BY STATES WITHIN THEIR OWN JURISDICTION.

4. WE HAVE DILIGENTLY PASSED THE WORD AROUND THAT WE REGARD TEXT AS BALANCED COMPROMISE AND THAT ANY CHANGES AT ALL WOULD DESTABILIZE THE AGREEMENT AND RESULT IN AGAIN MISSING THE OPPORTUNITY TO PRODUCE AN AGREED DEFINITION.

5. AS DEPARTMENT WILL RECALL, LANGUAGE IN QUESTION WAS NOT PROPOSED BY US AND WAS NOT LANGUAGE TO WHICH WE ATTACHED GREAT IMPORTANCE. JAPAN PRESSED THIS AT 1973 SESSION. WE TOLD THEM AT THAT TIME THAT WE HAD NO OBJECTION TO ITS INCLUSION BUT DID NOT REGARD IT WORTH A FIGHT.

6. WE INCLINE TO VIEW THAT IF DELETION OF "MARINE AND AIR FLEETS" WERE TO BE THE ONLY CHANGE IN THE TEXT AND WE COULD MANEUVER TO HAVE DELETION MADE IN WAY SUCH AS TO MINIMIZE NEGATIVE IMPLICATION OF TRAVAUX PREPARATOIRS, (E.G., STATEMENT THAT LANGUAGE REPRESENTED UNNECESSARY ATTEMPT AT SPECIFICITY) WE WOULD STILL BE LEFT WITH A TEXT WHICH WOULD BE IN OUR INTEREST TO HAVE ADOPTED UNANIMOUSLY.

7. WE RECOGNIZE TACTICAL HANDLING OF ANY FLEXIBILITY ON OUR PART WILL BE DELICATE AND TRICKY AND WE WOULD NOT ATTEMPT SAME UNLESS UK AND JAPAN AGREE. WE RECOMMEND DEPARTMENT CONSIDER GRANTING US FLEXIBILITY TO ACCEPT DELETION OF "MARINE AND AIR FLEETS" IF IT CAN BE DONE IN MANNER SET FORTH PARA 6 ABOVE AND JAPANESE AND UK OF SAME VIEW.

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